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In re Application of
BECKER et al
Application No.: 09/914,541
PCT No.: PCT/US00/05158
Int. Filing Date: 01 March 2000
Priority Date: 01 March 1999
Attorney Docket No.: 1046-PCT-US-00
For: EUKARYOTIC PEPTIDE UPTAKE
SYSTEM FOR TRANSPORTATION OF
ENKEPHALINS

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: NOTIFICATION OF
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: DEFECTIVE RESPONSE
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This decision is in response to applicants' "PETITION AND RESPONSE TO NOTIFICATION" filed on 10 June 2002. Applicant has been paid the petition fee of \$130.00.

BACKGROUND

On a notification mailed by this Office on 27 March 2002, applicants' request for acceptance of the declaration was not acceptable. The notification stated the name of the third named inventor, Amy DONHARDT, did not correspond to that set forth in the international application, Amy WILES.

On 10 June 2002, applicants' filed the instant petition, which includes a declaration from Amy WILES describing the events which led to the name change. Also the papers included her signature with her former and current name.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been paid.

With respect to item (2), petitioner has provided with the petition her signature signed under both names- Amy WILES, and Amy DONHARDT, and setting forth the procedure whereby the change of name was effected. Therefore, item (2) has been satisfied.

However, petitioner has still not provided a proper declaration as indicated in the Notification of 27 March 2002. Currently, only one declaration has been submitted in its entirety (pages 1-3), the rest only included page 3 of their respective declaration (i.e., pages 1 and 2 are missing to make it complete). Thus the declarations are unacceptable because the USPTO requires complete respective declarations for processing. Note MPEP 602.


CONCLUSION


Petitioner's response to the Notification mailed on 27 March 2002 is DEFECTIVE.

For the reasons above, the application may not enter into national stage processing at this time.

A proper response must be filed within One (1) MONTH from the mail date of this decision or within the time period remaining from the 27 March 2002 decision. The one (1) month time period for response may not be extended under 37 CFR 1.136(a). However, the time period for response set in the Notification of Missing Parts (PCT/DO/EO/905) may be extended up to a maximum of five (5) months under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.


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